

Attorney Docket No.: T3109(C)
Serial No.: 10/587,136
Filing Date: July 21, 2006
Confirmation No.: 3175

REMARKS

Amendments to the Claims

The following amendments are made in an earnest effort to advance prosecution of the application.

Claim 8 is hereby amended without prejudice to further presentation in a continuation application to recite a preferred embodiment of applicants' invention which is more clearly differentiated from the prior art and to correct informalities so as to make the claims more clear and definite. Specifically:

Amended claim 8 now incorporates the limitations on the flavanoid component (a) recited in previously presented claim 16, i.e., that the flavanoid comprises a mixture of proanthocyanidins and anthocyanidins.

Amended claim 8 also corrects the antecedent basis for ratio of light melanin to dark melanin (the word "the" has been changed to "a") and the antecedent basis of components that are administered topically ("the other" components has been replaced by components "(a) and (c)").

Claim 17 has been amended to specify that the flavanoid recited in claim 8 further comprises one or more flavanones.

Claim 18 is new and specifies that the flavanoid recited in claim 8 is an extract of bark of French maritime pine as disclosed on page 4, line 31.

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By this amendment, claims 9 and 10 are hereby cancelled without prejudice to their possible presentation in a divisional application.

By this amendment claim 16 is also hereby cancelled as its limitation have been incorporated in claim 8.

Claims Rejection – 35 USC §112

Claims 8, 16 and 17 were rejected under 35 USC §112, second paragraph as being indefinite.

Claim 8 has been amended to correct the antecedent basis for “the ratio of light melanin to dark melanin” and “the other components”.

Applicants assume that the above amendments make the metes and bounds of the pending claims both clear and definite.

Allowable Subject Matter

In the Office Action mailed April 14, 2009, the Examiner held that claim 16 would be allowable if rewritten to overcome the rejection under 35 USC §112, 2nd paragraph set forth in the Office Action and to include all the limitations of the base claim.

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Applicants' thank the Examiner for an early indication of allowable subject matter and have amended claim 8 without prejudice, to incorporate the limitations recited in claim 16 and to overcome the §112, 2nd paragraph rejection.

Applicants' therefore respectfully request that the application be allowed to issue as a patent.

If a telephone conversation would be of assistance in advancing prosecution of the subject application, applicants' undersigned agent invites the Examiner to telephone him at the number provided.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Michael P. Aronson", written over a horizontal line.

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